

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

YOLANDA ANDOLSEK)
29236 Eddy Road)
Willoughby Hills, Ohio 44092)
and)
MOYA ANDOLSEK)
29163 Chardon Road)
Willoughby Hills, Ohio 44092)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA)
c/o Steven M. Dettelbach)
United States Attorney)
801 West Superior Avenue, Ste. 400)
United States Federal Courthouse)
Cleveland, Ohio 44113)
and)
JOHN DOE and/or JOHN DOE,)
INC. I-V)
(Addresses Unknown))
Defendants.)

Now come Plaintiffs, Yolanda Andolsek (hereinafter “Plaintiff Yolanda”) and Moya Andolsek (hereinafter “Plaintiff Moya”), by and through their undersigned counsel, and for their Complaint against Defendants, United States of America (hereinafter “Defendant”) and John Doe and/or John Doe, Inc. I-V [hereinafter referred to as “Defendant(s) Doe”], state as follows:

PARTIES

1. Plaintiff Yolanda resides at 29236 Eddy Road in Willoughby Hills, Lake County, Ohio. Plaintiff Moya resides at 29163 Chardon Road in Willoughby Hills, Lake County, Ohio.

2. Defendant is a proper party pursuant to 28 USC §1346.

3. Defendant(s) Doe are individuals and/or business entities who may be legally liable to Plaintiffs for the incident alleged herein and the damages flowing therefrom. The identities of Defendant(s) Doe remain unknown despite Plaintiffs' due diligence.

JURISDICTION AND VENUE

4. This action arises under the Federal Tort Claims Act, 28 USC §1346(b) and 28 USC §§ 2671-2680.

5. Plaintiffs' injuries as alleged herein were a result of the negligence of a United States Postal Service employee acting in the course and scope of his employment. Plaintiffs' tort claims have been submitted to the United States Postal Service as required by 28 USC §2401(b) and 39 CFR 912, and the United States Postal Service issued its final denial of Plaintiffs' claims on April 2, 2010. (See Letters of Denial, attached hereto collectively as "Exhibit A"). This action is brought within six (6) months of April 2, 2010 in accord with 28 USC § 2401(b), 28 USC §2675, and 39 CFR 912.9(a).

6. Venue is proper in this Court under 28 U.S.C. §1391(b)(2), as a substantial part of the events giving rise to Plaintiffs' claims occurred within this judicial district.

COUNT ONE

7. Plaintiffs hereby incorporate all of the facts, statements and allegations contained in paragraphs 1 through 6 as if fully rewritten herein.

8. Plaintiff Yolanda states that on or about February 5, 2009, she was operating her motor vehicle northbound on State Route 175 (East 260) in the City of Euclid, Cuyahoga County, Ohio. Plaintiff Yolanda further states that she was stopped at a red light at the intersection of State Route 175 and Mall Drive.

9. Plaintiff Yolanda states that at the same time and place, Eugene Thomas of 17506 Nottingham, Cleveland, Ohio 4419, while operating a vehicle owned by the United States Postal Service and acting within the scope and course of his employment with the United States Postal Service, failed to maintain an assured clear distance ahead and struck the rear of Plaintiff Yolanda's vehicle.

10. Plaintiff Yolanda states that as a direct and proximate result of Eugene Thomas' negligence, she has been caused to suffer personal injuries, including, but not limited to, severe headaches and pain in her neck, low back, right knee and ankle/foot, and left elbow.

11. Plaintiff Yolanda further states that as a direct and proximate result of Eugene Thomas' negligence, she was required to seek emergency medical care and treatment.

12. Plaintiff Yolanda further states that as a direct and proximate result of Eugene Thomas' negligence, she has incurred medical, doctor, hospital, and drug expenses.

13. Plaintiff Yolanda further states that as a direct and proximate result of Eugene Thomas' negligence, she has been restricted in her normal activities, her health has been impaired, and her ability to perform normal daily tasks has been restricted.

14. Plaintiff Yolanda states that as a further direct and proximate result of Eugene Thomas' negligence, she has experienced pain and suffering and a loss of enjoyment of life.

COUNT TWO

15. Plaintiffs hereby incorporate all of the facts, statements and allegations contained in paragraphs 1 through 14 as if fully rewritten herein.

16. Plaintiff Moya states that she was a front seat passenger in Plaintiff Yolanda's vehicle at the time of the aforementioned collision.

17. Plaintiff Moya states that as a direct and proximate result of Eugene Thomas' negligence, she has been caused to suffer personal injuries, including, but not limited to, headaches and pain in her neck and right ankle.

18. Plaintiff Moya further states that as a direct and proximate result of Eugene Thomas' negligence, she was required to seek emergency medical care and treatment.

19. Plaintiff Moya further states that as a direct and proximate result of Eugene Thomas' negligence, she has incurred medical, doctor, hospital, and drug expenses.

20. Plaintiff Moya further states that as a direct and proximate result of Eugene Thomas' negligence, she has been restricted in her normal activities, her health has been impaired, and her ability to perform normal daily tasks has been restricted.

21. Plaintiff Moya states that as a further direct and proximate result of Eugene Thomas' negligence, she has experienced pain and suffering and a loss of enjoyment of life.

WHEREFORE, Plaintiff, Yolanda Andolsek, demands judgment against Defendants, United States of America and John Doe and/or John Doe, Inc., I-V, jointly, severally, and/or proportionately, on Count One in the amount of Twenty-Five Thousand Dollars (\$25,000.00), in addition to interest and court costs; Plaintiff, Moya Andolsek, demands judgment against Defendants, United States of America and John Doe and/or John Doe,

Inc., I-V, jointly, severally, and/or proportionately, on Count Two in the amount of Twenty-Five Thousand Dollars (\$25,000.00), in addition to interest and court costs.

THE BRUNN LAW FIRM CO., L.P.A.

/s/ Thomas L. Brunn, Jr.

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